IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION No: 11045 of 2000

Between:

1 Ch. Subba Reddy s/o. Kona Reddy
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
2 M. Mallikarjuna S/o. Sambanna
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
3 D. Srinivasulu S/o. Koteswara Rao
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
4 A. Vijayababu S/o. Ramaiah
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
5 G. Parandhamulu S/o. Narayana
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
6 S. Shaikshavali S/o. Abdul Sattar
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
7 G. Satyanarayana Reddy S/o. Ranga Reddy
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
8 G. Malla Reddy S/o. Alluru Reddy

working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.

9 G. Alluri Reddy S/o. Alluru Reddy
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
10 D. Venkateswara Reddy s/o. Koti Reddy
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
11 K. Venkata Reddy s/o. Subba Reddy
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
12 K. Mallikarjuna Reddy s/o. Venkata Reddy
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
13 P. Veera Reddy S/o. Peddanagi Reddy
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
14 V. Ramana Reddy s/o. Kasi Reddy
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
15 P. Bala Nagi Reddy s/o. Venngal Reddy
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
16 Ch. Palanki Reddy S/o. Narayana Reddy
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
17 T. Venkateswara Reddy S/o. Venkata Reddy
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
18 T. Ravikanata Reddy s/o. Laxma Redydy
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
19 Pedda Kasi Rao S/o. Kasaiah
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
20 Devarakonda Kondaiah S/o. Naguluri
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-

509326
Mahabubnagar Dist.

21 Chinna Kasi Rao S/o. Kasaaiah
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
22 Venkateswarlu s/o. Vekata Swamy
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
23 Prabhakar S/o. Yesaiah
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
24 S. Harinathababu s/o. S.P. Veeraiah
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
25 A. Mallikarjuna S/o. A. Krishnaiah
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
26 A. Srinu S/o. A. Krishnaiah
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
27 A. Nagaraju S/o. Vandanam
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
28 M. Subbaiah S/o. Subbaiah
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
29 Ch. Palanki Reddy S/o. Venkata reddy
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
30 P. Devendra S/o. Narayana
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
31 SK. Shabbeer S/o. Amer Ahmad
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
32 Y. Maddileti s/o. Narayana
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326

Mahabubnagar Dist.

33 P. Venkataiah S/o. Venkataiah
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
34 K. Narasimharaju S/o. Narasimharaju
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
35 B. Nagaraju s/o. Kondaiah
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
36 K. Naarasimha s/o. Nagappa
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
37 A. Babureddy s/o. Yellareddy
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
38 B. Saireddy s/o. Narayana Reddy
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
39 G. Janardhan S/o. Mallaiah
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
40 K. Kishore Kumar S/o. Kameshwar Rao
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
41 G. Srinivasulu s/o. Parvathalu
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.
42 Devudu S/o. Davaiah
working as Contract Labourers and r/o. Domalapenta, Srisailam Dam Wwest-509326
Mahabubnagar Dist.

..... PETITIONERS

AND

1 The Chairman & Managing Director, A.P.GENCO Vidyut Soudha, Khairtabad, Hyderabad.
2 The Special Officer, Civil Hydel Project, Srisailam Dam West, Mahaboobnagar District.
3 The Chief Engineer/O&M, A.P.GENCO Srisailam East, Sondipenta, Kurnool district.
4 The General Manager (Admn.) A.P.GENCO Vidyut Soudha, Khairtabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ in the nature of Mandamus or any other appropriate Writ, Order or direction, declaring the action of the respondents in not considering the cases of the petitioners for regular appointment by regularising their services in the category of JPA/Junior Lineman/Watchman/Mazdoor or any other suitable posts though they have been working under licensed contractor, as illegal, arbitrary, unconstitutional, contrary to the provisions of the Contract labour (Regulation and Abolition) Act, 1970 though the work entrusted to the petitioners is in perennial nature (amended as per Court order, dt.20-06-2005, in WPMP.No.29366 of 2000) and consequently direct the respondents to consider the cases of the petitioners for regular appointments by regularising their services as JPA/Junior Lineman/Watchmen/Mazdoor or any other suitable posts since they are working since last 4 to 10 years and appoint them as such with all consequential benefits, and to pass such other order or orders.

Counsel for the Petitioners: MR.K. RAGHUVEER REDDY

Counsel for the Respondents: SMT.K.SESHARAJYAM

The Court made the following:

ORAL ORDER:-

This Writ Petition is filed seeking a Mandamus declaring the action of the respondents in not considering the cases of the petitioners for regularizing their services in the category of JPA/Junior Lineman/Watchman/Mazdoor or any other suitable post though they have been working under licensed contractors, as arbitrary, illegal and unconstitutional and consequently direct the respondents to consider the cases of the petitioners for regular appointment.

There is no necessity to go into all the facts. The grievance of the petitioners is that they have been working under licensed contractors of the respondents-organization for the last more than ten years. The Board had issued B.P. (P&G Per) Ms.No.36, dated 18.05.1997, for absorption of the casual labours working under the contractors, but the case of the petitioners was not considered on the ground that B.P.Ms.No.36 has no application to their case since they are on construction side. However, it is the case of the petitioners that similarly placed persons, working on construction side, were considered and were absorbed in the service of the Board. In this regard, the learned counsel for the petitioners placed reliance on a Judgment of this Court in W.P.No.3625 of 2002, wherein the petitioners therein asserted as to regularization of the services of similarly placed persons. While considering the said submission, as there was no denial by the respondents to the fact of absorbing those ten persons on regular basis, this Court held as follows:

"Though it has been stated that the BPMS numbers and also the Government

> Orders referred to by the petitioners would not have any application to the employees working under contract on the construction side, the fact remains that the aforesaid individuals who also been working under contract basis on the construction side were taken into service and their services were regularized. There is no distinction as such with regard to the status of the employment and nature of incidents that were taken place in between the petitioners and the aforesaid persons. In the circumstances, there cannot be any justification on the part of the respondents herein to deny the similar relief on par with them and failing which, it would clearly amounts to an arbitrary action and violation of Article 14 of the Constitution of India. Accordingly, it has to be held that the petitioners are entitled to consider for such regular posts as claimed in the Writ Petition."

In this case, though a detailed counter is filed denying the allegations made by the petitioners, but it is not denied that all the petitioners are working with M/s. Patel Engineering Company and M/s. PES Engineering Private Limited, who are executing the major civil works in SLBHE Scheme under various L.S. Agreements. In view of the same, the plea of the respondents that they are not entitled to regularization of services or for absorption on regular basis as contract labour, is not tenable. It is not their case that the contract labour working on the civil construction side are not considered any where in A.P. GENCO except saying that the status of the petitioners is called as "contract labour" in A.P. GENCO, is denied. The petitioners have been discharging the duties assigned by their employers i.e., M/s. Patel Engineering Company and M/s. PES Engineering Private Limited, but it is not denied that those persons have L.S. agreements for execution of the civil works with the A.P. GENCO.

Under these circumstances, there is no other option for this Court except to come to the conclusion that the petitioners are also similarly placed with that of the petitioners in the above Writ Petition and they also deserve the same relief as was granted therein.

In the result, the Writ Petition is allowed with a direction to the respondents to consider the petitioners case for such regular appointment, within a period of three months from the date of receipt of a copy of this order and communicate the same to

the petitioners.

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20.06.2005

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To

1 The Chairman & Managing Director, A.P.ZENCO Vidyut Soudha, Khairtabad, Hyderabad.
2 The Special Officer, Civil Hydel Project, Srisailam Dam West, Mahaboobnagar District.
3 The Chief Engineer/O&M, A.P.ZENCO Srisailam East, Sondipenta, Kurnool district.

4 The General Manager (Admn.) A.P.ZENCO Vidyut Soudha, Khairtabad, Hyderabad.

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6 1 CC to MR.RAGHUVEER REDDY